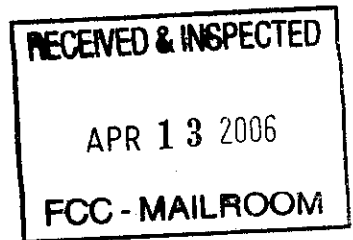


DOCKET FILE COPY ORIGINAL



April 10, 2006

Ms. Marlene Dortch
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Counterproposal for:
Oakwood, Texas (MB Docket No. 06-43)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies each of my
counterproposal for Oakwood, Texas, MB Docket No. 06-43.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Linda Crawford".

Linda Crawford
3500 Maple Ave., #1320
Dallas, Texas 75219
(214) 289-5333

Oakwood counter

No. of Copies rec'd 0 + 4
List ABCDE

APR 13 2006

FCC - MAILROOM

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of 73.202(b))	MB Docket No. 06-43
Table of Allotments)	RM-11313
FM Broadcast Stations)	
(Oakwood, TX))	

To: Office of the Secretary
Attn: Assistant Chief, Audio Division,
Media Bureau

COUNTERPROPOSAL

Linda Crawford hereby submits this counterproposal to the *Notice of Proposed Rule Making*, DA 06-384 (rel. February 24, 2006) in the above-captioned proceeding. Counter proponent proposes to allot first services to Bedias, Texas and Oakwood, Texas in lieu of a potentially first service only to Oakwood, Texas as proposed by the original NPRM in this proceeding. The counter proponent proposal to allot Channel 299C3 to Bedias also conflicts with the petition to add channel 299A to Normangee, Texas, which was released as an NPRM on 3/31/06 as MB Docket No. 06-66. It is requested that MB Docket No. 06-66, the petition to allot channel 299A to Normangee, Texas, be incorporated into the above captioned proceeding.

DISCUSSION

In order to allot a first service to Bédias and to Oakwood, the reference coordinates for Channel 300A at Oakwood, as proposed in the original NPRM in this proceeding, will need to be relocated approximately .83 kilometers north.

The proposed changes are:

	<u>Current</u>	<u>Proposed</u>
Bédias, Texas	-----	299C3
Oakwood, Texas	-----	300A (relocated)

Bédias, Texas 299C3. 1st Service

Counter proponent respectfully submits that the public interest would be served by allocating Channel 299C3 to Bédias, Texas as that community's first local service. Bédias, Texas is a community of 301 people according to the 2004-2005 Texas Almanac. Bédias has its own city offices, mayor, Mackie Bobo, city council, volunteer fire department, post office and zip code, 77831. In the 2000 Census, Bédias was recognized as a geographic area labeled "Bédias, Grimes County Texas 77831". The civic focal point for the community is the Bédias Civic Center. Bédias civic organizations such as, Bédias Civic Club, which sponsors the annual Christmas Parade, hold meetings and events at the center. 39 businesses in Bédias have been given a

credit rating by Dun & Bradstreet as of November 2002.¹

Voters in Bédias will decide on November 4, 2006, if the community will become an incorporated city. The Bédias Development Committee as collected the required signatures from the communities residents to get the issue on the November ballot.

Bédias is a community that is certainly deserving of a local service. "Local radio stations play an important role in their communities, providing local news, information and entertainment to residents, and generally serving as good corporate citizens in the local community life. This is particularly true in smaller towns, where the radio stations are limited in number. Yet there are still rural areas of our country that do not have even a local radio station."² The proposed channel 299C3 will provide additional diversity and an outlet for local self-expression to Bédias residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 299C3 can be allocated to Bédias, Texas, consistent with the FCC's FM separation rules, provided the reference coordinates for the proposed Channel 300A at

¹ 2004-2005 Texas Almanac

² Statement of Commissioner Kevin J. Martin, MM & O Docket No. 99-240, released May 20, 2004.

Oakwood, Texas are relocated approximately .83 kilometers north. See revision of FM Assignment Policies and

Procedures, 90 FCC 2d 88 (1992). (See, Attachment A)

Note: The petition to add Channel 293C3 at Bedias, Texas was dismissed per Report & Order, DA 04-1292, released May 21, 2004. A Petition for Reconsideration was filed on June 7, 2004 and is still pending. However, this is an effective but not yet final dismissal. (See, Attachment B) Reference coordinates for Channel 299C3 at Bedias, Texas are:

30 53 15 N
96 04 45 W

Oakwood, Texas 300A, 1st service

In order for Channel 299C3 to be allotted at Bedias, Texas, the reference coordinates for the proposed Channel 300A at Oakwood, Texas, must be moved approximately .83 kilometers north. As was stated in the original petition for Oakwood, it is an incorporated community with a 2000 U.S. Census population of 471 persons and therefore is a community for allotment purposes.

Attached hereto is a channel study confirming that the reference coordinates for the proposed channel 300A at Oakwood, Texas, can be moved approximately .83 kilometers north and is consistent with the FCC's FM separation rules.

See revision of FM Assignment Policies and Procedures, 90
FCC 2d 88 (1992). (See, Attachment C)

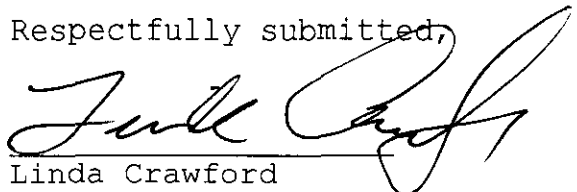
Reference coordinates for channel 300A at Oakwood, Texas
are:

31 40 48 N
95 57 42 W

Should this counterproposal be granted and channels
299C3 at Bédias and 300A at Oakwood are allotted to those
communities, counter proponent will apply for 299C3 at
Bédias and Channel 300A at Oakwood, Texas, and after they
are authorized, will promptly construct the new facilities.

The factual information provided in this
counterproposal is correct and true to the best of my
knowledge.

Respectfully submitted,

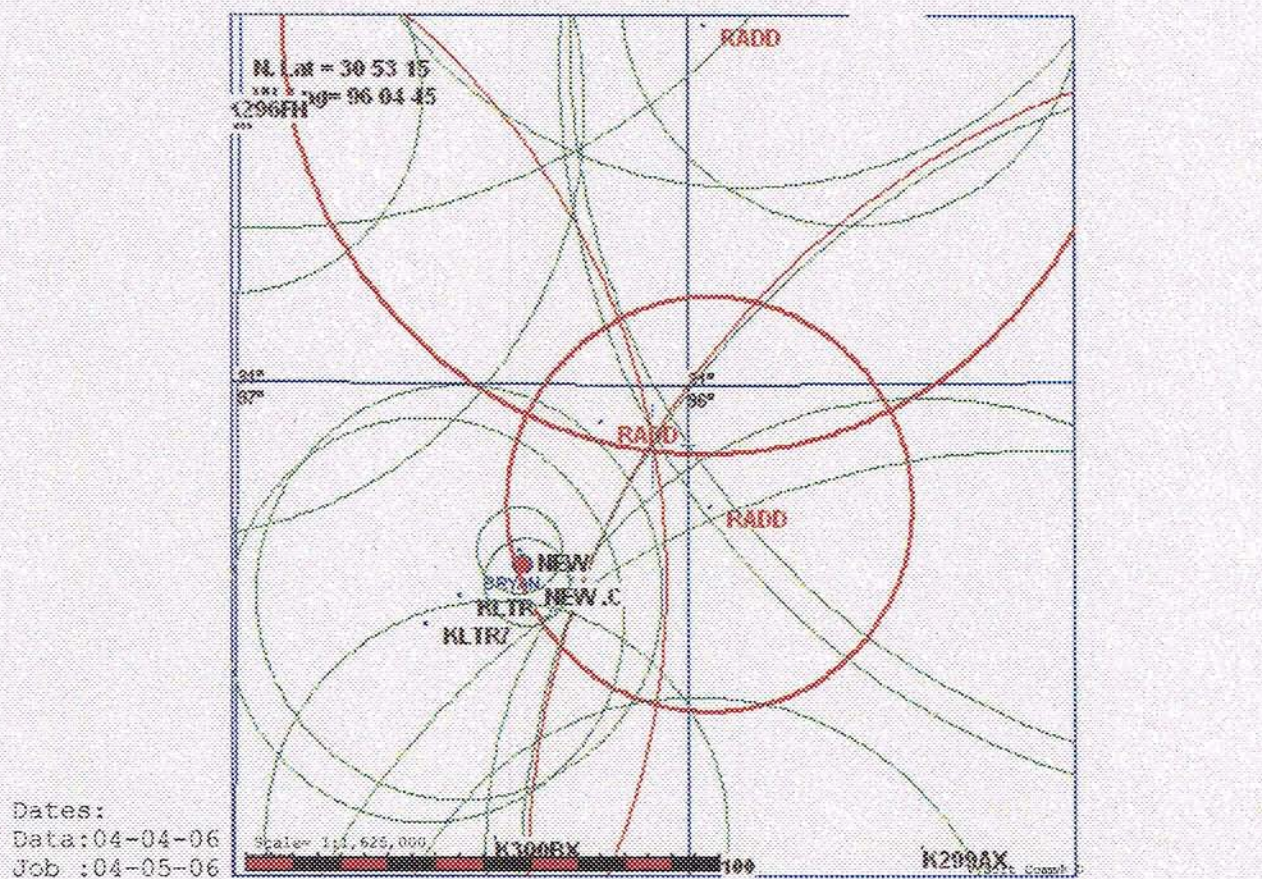


Linda Crawford
3500 Maple Ave., #1320
Dallas, Texas 75219
(214) 289-5333

April 10, 2006

Attachment A

(Channel Study for Channel 299C3/ Normangee, Texas)



Dates:
Data: 04-04-06
Job: 04-05-06

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	299A	ADD	Normangee	TX	11.89	295.4	142.0	-130.11
RADD	297C3	ADD	Bedias	TX	17.57	135.0	43.0	-25.43
RADD	300A	ADD	Oakwood	TX	87.74	7.3	89.0	-1.26
KQOK	300C	LIC-Z	Beaumont	TX	175.52	121.6	176.0	-0.48
KINV	299C3	LIC N	Georgetown	TX	152.53	259.3	153.0	-0.47
KQOK.C	300C	CP N	Beaumont	TX	176.03	123.0	176.0	0.03
KTEQ	299C3	LIC N	Nacogdoches	TX	154.61	59.7	153.0	1.61
AL299	299C3	RSV	Nacogdoches	TX	159.63	58.2	153.0	6.63
KLTR	297C3	RSV	Caldwell	TX	51.14	232.9	43.0	8.14
K299AX	299D	CP -D	Woodlands	TX	101.38	145.3	93.0	8.38
AL297	297A	RSV	Caldwell	TX	60.29	232.8	42.0	18.29
RDEL	297A	DEL	Caldwell	TX	60.29	232.8	42.0	18.29
KLTR	297A	LIC	Caldwell	TX	60.29	232.8	42.0	18.29
KLDE	298C	LIC	Lake Jackson	TX	195.25	155.2	176.0	19.25
NEW	246L1	CP	Bryan	TX	35.57	232.3	9.0	26.57
NEW .C	245L1	CP	College Station	TX	38.93	223.2	9.0	29.93
KHCKFM	300A	LIC	Robinson	TX	124.53	304.0	89.0	35.53
K300BX	300D	CP	Brenham	TX	87.75	202.2	49.0	38.75
KQLC-L	300L1	LIC	Brookshire	TX	119.66	175.5	67.0	52.66
KQLC-L	300L1	CP	Brookshire	TX	119.66	175.5	67.0	52.66
K300BI	300D	CP	Palestine	TX	103.47	24.2	49.0	54.47
K299AS	299D	CP	Athens	TX	147.57	7.6	93.0	54.57
KOAI	298C1	LIC	Fort Worth	TX	205.91	336.3	144.0	61.91
K296FH	296D	CP	Waco	TX	115.09	308.8	41.0	74.09

Bedias, TX CH 299C3 70 dBu

Mag 11.00
Wed Apr 05 21:21 2008
Scale 1:250,000 (at center)

5 Miles

5 KM

- Local Road
- Major Connector
- State Route
- Interstate/Limited Access
- US Highway
- Rest Area with facilities
- Exit
- County Seat
- Small Town
- Locale
- Population Center
- Water
- River/Canal
- Zipcode Boundary

Hilltop Lakes

Wealthy

Normangee

Laceola

Madison

Madisonville

77872

North Zulch

N30° 53.250'
W96° 04.750'

Cottonwood

Edge

77608

Kurten

Reliance

Iola

77861

Bedias

77831

Bedias, TX CH 299C3 70 dBu

Mag 12.00
Wed Apr 05 21:21 2006
Scale 1:125,000 (at center)

2 Miles

2 KM

N30° 53.250'
W96° 04.750'

- Local Road
- Major Connector
- State Route
- Trail
- Interstate/Limited Access
- US Highway
- Utility/Pipe
- Railroad
- Small Town
- Airfield
- Locale
- Public Airport
- Cemetery
- County Boundary
- Population Center
- Water
- Woodland
- River/Canal

May 24 2004

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Milano, Texas)

)
)
)
)
)
)

MM Docket No. 02-177
RM-10489

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 19, 2004

Released: May 21, 2004

By the Assistant Chief, Audio Division:

1. At the request of David P. Garland ("Petitioner"), the Audio Division has before it a *Notice of Proposed Rule Making*¹ proposing the allotment Channel 274A at Milano, Texas, as the community's first local aural transmission service. Petitioner filed comments in support of the proposal reaffirming his intention to apply for the channel, if allotted. Comments and a counterproposal were filed by Roy E. Henderson ("Henderson"), licensee of Station KLTR(FM), proposing the upgrade of Channel 297A to 297C3, and the reallocation of Channel 297C3 from Caldwell to Bédias, Texas. To accommodate the upgrade and reallocation, Henderson also proposed (a) the allotment of Channel 274A at Caldwell, Texas, as a replacement service; and (b) the modification of the reference coordinates for vacant Channel 274A at Centerville, Texas.² Maurice Salsa filed opposing comments to the counterproposal. Petitioner and Henderson filed a "Joint Motion for Dismissal of the Garland Petition RM-10489, Adoption of Henderson Counterproposal and Approval of Settlement Agreement."

2. In support of his counterproposal, Henderson stated that Bédias is a Census Designated Place with its own post office, zip code (77831), and has a 2000 population of 500 persons (2001 Rand McNally Road Atlas). The town is located in the northeast part of Grimes County, Texas. Bédias is a separately listed community in the local telephone directory and presently lists 15 local businesses and a total of 30 businesses showing a web site in Bédias, with its local affairs and interests governed by a committee of the Bédias Civic Association. There is also a State Bank of Bédias, civic center, a volunteer fire department, along with six churches. Henderson asserts that Bédias is a long-established town and qualifies as a community deserving of a new local radio service. Henderson affirms his intention to apply for Channel 297C3, if reallocated to Bédias, Texas.

¹ Milano, Texas, 17 FCC Rcd 12824 (2002).

² The counterproposal was technically defective and not placed on Public Notice.

3. The parties submitted for approval a Settlement Agreement whereby petitioner agreed to dismiss his Milano proposal in payment of out-of-pocket expenses expended in the preparation, application, and prosecution of its petition for rule making. The parties also submitted an itemization of said expenses.³

4. As an initial matter, we address the reallocation of Channel 297C3 from Caldwell to Bedias which requires, *inter alia*, the allotment of Channel 274A at Caldwell as a replacement service. Henderson stated that using the FCC F(50,50) curve, the 70 dBu contour at maximum facility will serve more than 90% of Caldwell, Texas. He also noted that the terrain roughness (Delta H) of the path from the community to the transmitter site is 15, and that the Longley-Rice analysis shows that the 70 dBu predicted contour travels more than 10% further than the FCC F(50,50) curves on a azimuth toward Caldwell. Engineering studies premised on Alternate Propagation Method(s) such as Longley-Rice are sometimes submitted as a showing to supplement the required analysis based on the Commission's propagation model, "in cases where the terrain...departs widely" from the average terrain and the "contour distances are different from what may be expected in practice." See Section 73.313(e). Here, Henderson fails to demonstrate that the terrain around the proposed site for Channel 274A at Caldwell departs widely (in excess of 50 meters Delta H) from the average terrain, other than stating that the Delta H of the path to the transmitter is 15. The F(50,50) curves in Section 73.333 of the Commission's Rules are based on terrain variations up to 50 meters Delta H. Henderson made no showing that it was appropriate to utilize a different propagation methodology. He did not show that the predicted distances to the 70 dBu contour were in question using the F(50,50) curves due to terrain around the proposed site departing widely from the average rolling terrain assumed for those curves.

5. Moreover, the Commission normally does not evaluate specific terrain data in allotment proceedings. Instead, the Commission generally assumes that a station's city grade coverage contour is a circle with a defined radius from a hypothetical transmitter site. Thus, compliance with our city grade coverage requirement is determined by a simple distance calculation. If the far boundary of a community is farther than the length of the circle's radius from the closest hypothetical transmitter site, we will not make the allotment. At the allotment stage, we generally cannot determine what specific transmitter sites will ultimately be applied for, nor whether the petitioner will be the successful applicant. Although the Commission in *Woodstock and Broadway* accepted an alternative methodology for determining signal propagation for upgrades, and more recently for change of community cases, the decision was predicated on the fact that there was an "existing authorization."⁴ For this reason, we do not apply this policy to new allotments. When making these exceptions, petitioners have taken the affirmative steps of securing assurances from the proposed site's owner, and have obtained FAA approval for a tower at the proposed site. Petitioners have also submitted substantial evidence that, using our standard prediction method, but relaxing the normal assumption of uniform terrain, its proposed facilities will comply with our principal city coverage requirements. Even if this policy did apply to new allotments, Henderson has failed to show that no alternative transmitter sites are possible, and has not requested a waiver of the city grade coverage requirements. Further, our engineering analysis has determined that there are no terrain variations that would preclude using FCC's standard methodology. Therefore, the allotment of Channel 274A at the site

³ In compliance with Section 1.420(j) of the Commission's Rules, Henderson submitted a declaration stating that Petitioner was not paid any consideration of any kind in excess of legitimate and prudent expenses incurred.

⁴ See *Woodstock and Broadway, Virginia*, 3 FCC Rcd 6398 (1988).

specified is not consistent with Section 73.315 of the Commission's Rules. Since counterproposals must be "technically correct and substantially complete" at the time they are filed, we are dismissing the counterproposal for being technically defective.⁵

6. IT IS ORDERED, That the petition for rule making filed by David P. Garland, IS DISMISSED, as requested.

7. IT IS FURTHER ORDERED, That the counterproposal filed by Roy E. Henderson, IS DISMISSED.

8. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to the following:

Roy E. Henderson
1110 West William Cannon Drive, Suite 402
Austin, Texas 78745-5460
(Licensee of Station KLTR(FM))

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

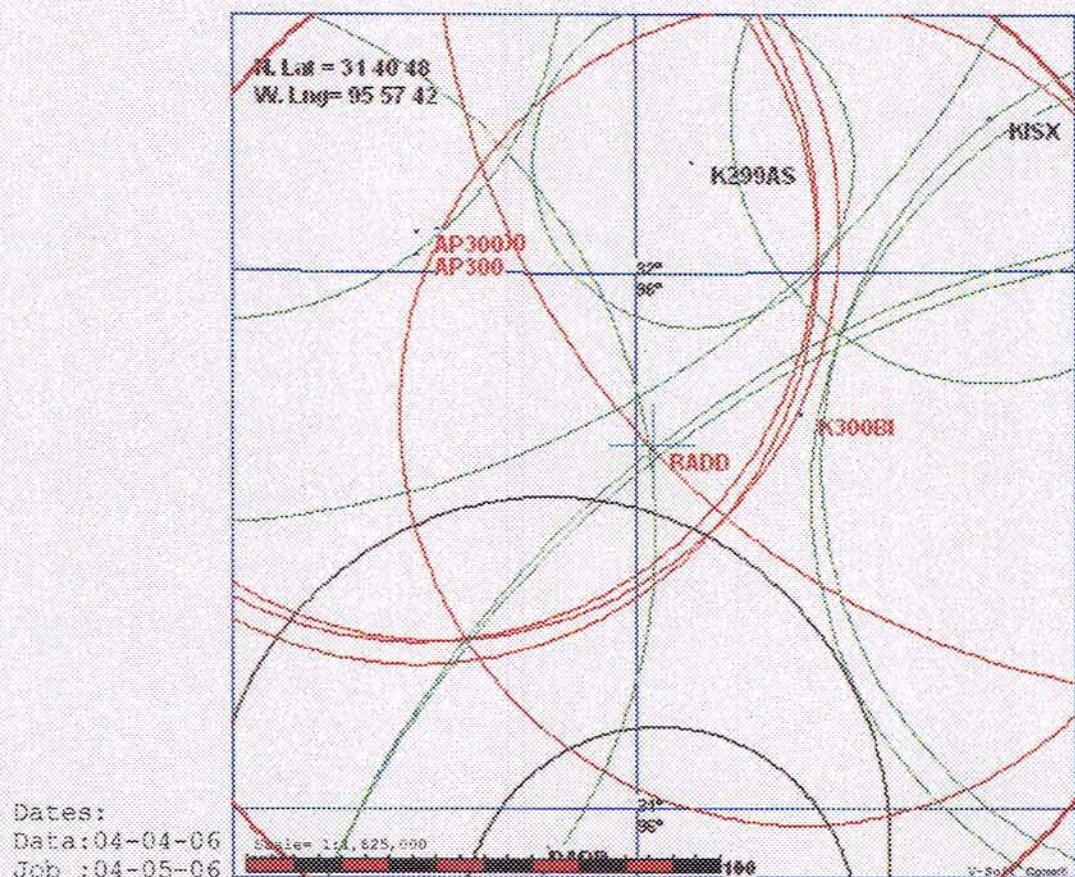
⁵See, e.g., *Fort Bragg, California*, 6 FCC Rcd 5817 (1991); *Provincetown, et al., Massachusetts*, 8 FCC Rcd 19 (1992); and *Sanford and Robbins, North Carolina*, 12 FCC Rcd 1 (1997).

Attachment C

(Channel Study for the new reference coordinates for
Channel 300A/ Oakwood, Texas)

Attachment B

(Report & Order, DA 04-1282, released May 21, 2004,
dismissing the proposed Channel 293C3 at Bédias, Texas)



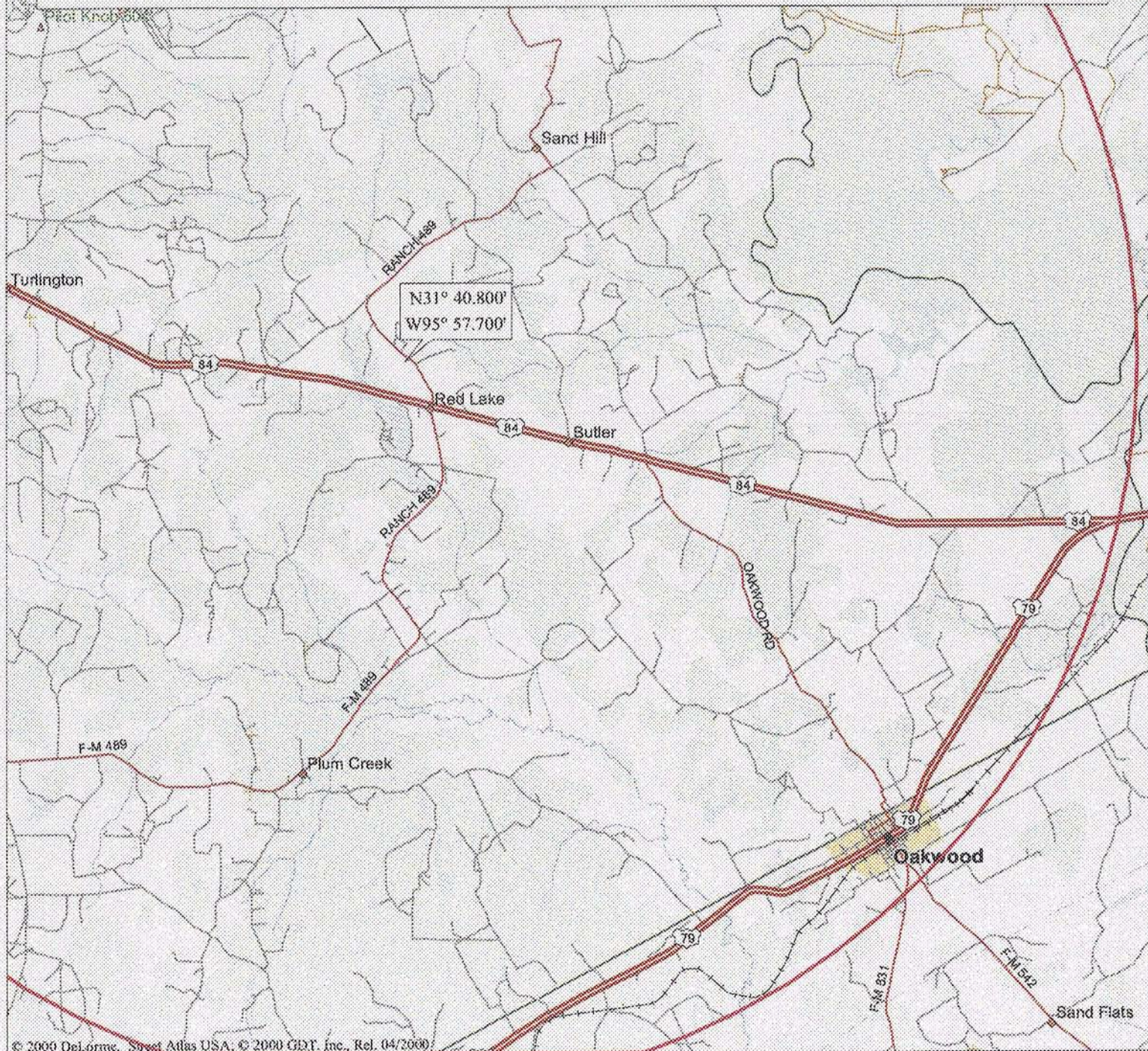
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RADD	300A	ADD	Oakwood	TX	0.83	180.0	115.0	-114.17
K300BI	300D	CP	Palestine	TX	32.17	78.5	85.0	-52.83
AP300	300D	APP	Corsicana	TX	63.55	314.4	85.0	-21.45
AP300	300D	APP	Corsicana	TX	63.69	308.5	85.0	-21.31
AP300	300D	APP	Corsicana	TX	66.68	311.6	85.0	-18.32
AL300	300C2	VAC	Longview	TX	165.56	46.4	166.0	-0.44
KQOK	300C	LIC-Z	Beaumont	TX	226.77	142.5	226.0	0.77
KHCKFM	300A	LIC	Robinson	TX	116.00	260.9	115.0	1.00
KQOK.C	300C	CP	N Beaumont	TX	228.73	143.5	226.0	2.73
KESSFM	300C1	LIC	Lewisville	TX	210.17	330.8	200.0	10.17
RADD	299A	ADD	Normangee	TX	85.63	194.8	72.0	13.63
K299AS	299D	CP	Athens	TX	59.00	8.4	34.0	25.00
KTEQ	299C3	LIC N	Nacogdoches	TX	122.96	94.8	89.0	33.96
AL299	299C3	RSV	Nacogdoches	TX	124.76	91.9	89.0	35.76
KISX	297C2	LIC	Whitehouse	TX	98.74	46.5	55.0	43.74
RADD	297C3	ADD	Bedias	TX	100.28	179.3	42.0	58.28
KOAI	298C1	LIC	Fort Worth	TX	137.76	317.1	75.0	62.76

Oakwood, TX CH 300A 70 dBu

Mag 12.00
Wed Apr 05 21:19 2006
Scale 1:125,000 (at center)

2 Miles
2 KM

- Local Road
- Major Connector
- Trail
- US Highway
- Utility/Pipe
- Railroad
- Small Town
- Airfield
- Summit
- Locale
- Cemetery
- County Boundary
- Population Center
- Land
- Water
- Woodland
- River/Canal

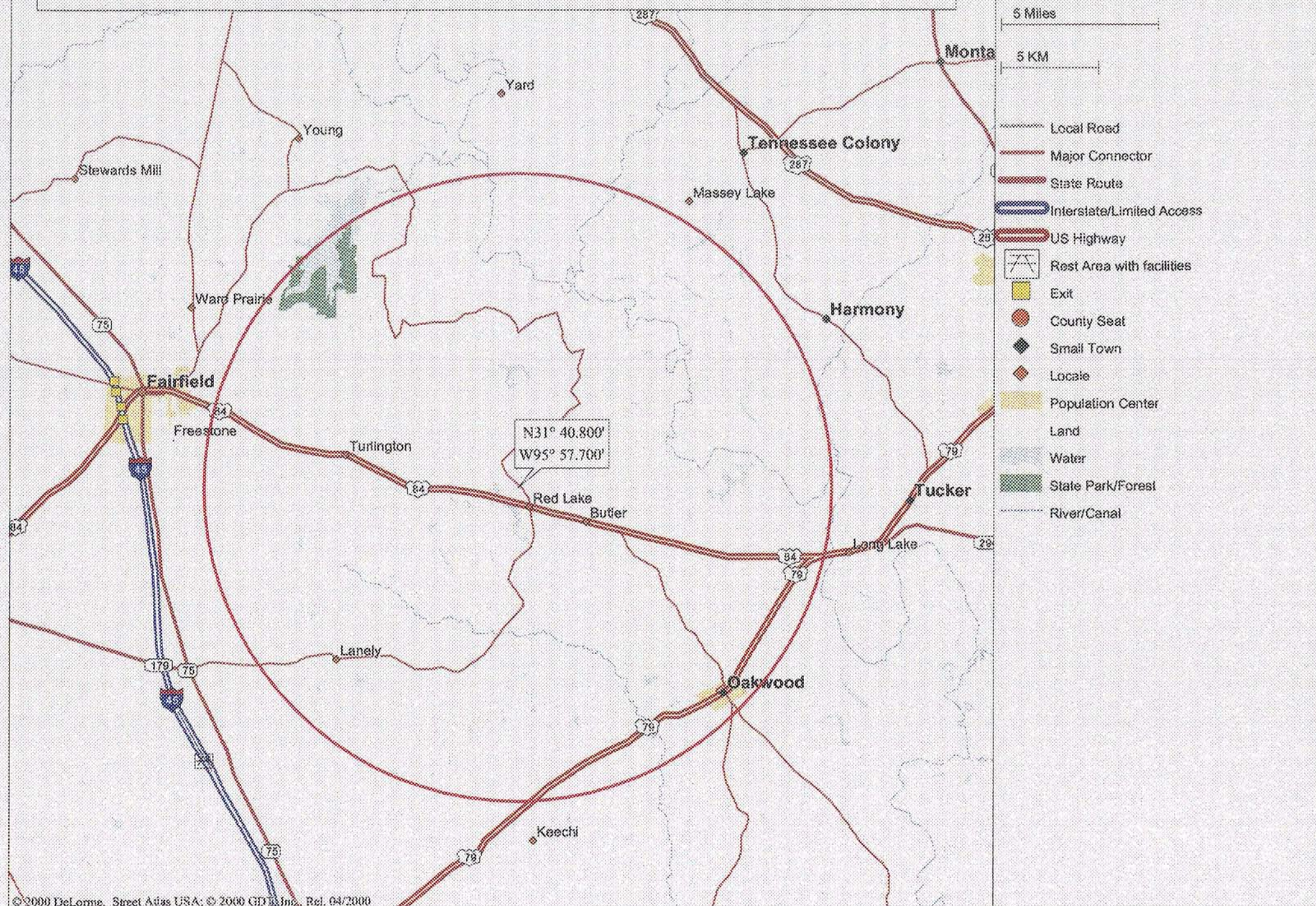


Oakwood, TX CH 300A 70 dBu

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Scale 1:250,000 (at center)

5 Miles

5 KM



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City of Bédias

(936) 395-1119

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Bédias, TX 77831

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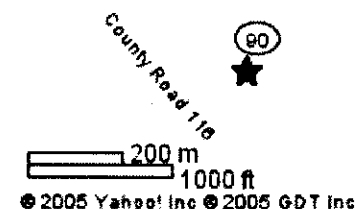
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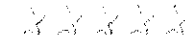
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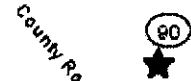


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1. www.star.com
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2. www.star.com
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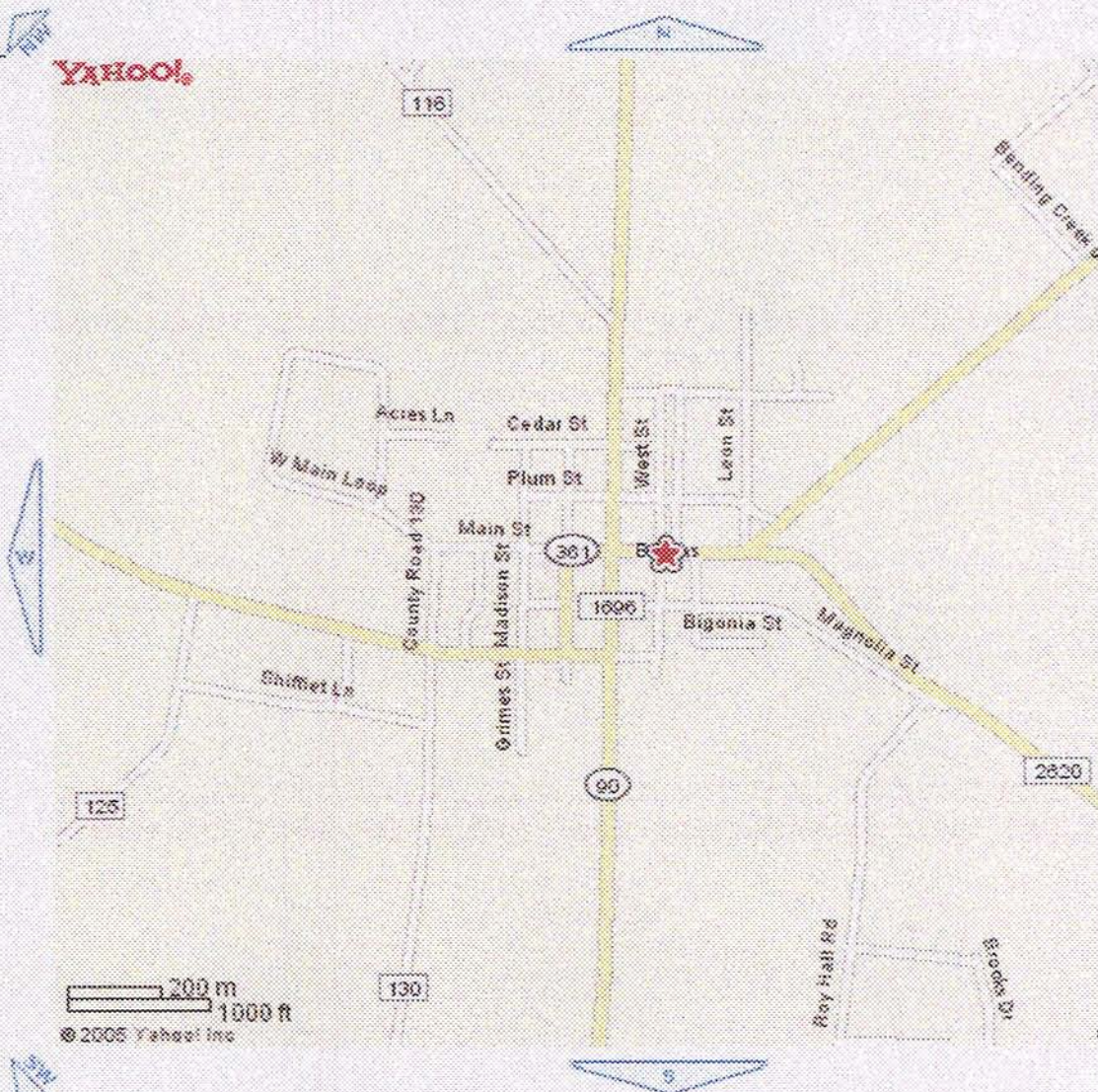
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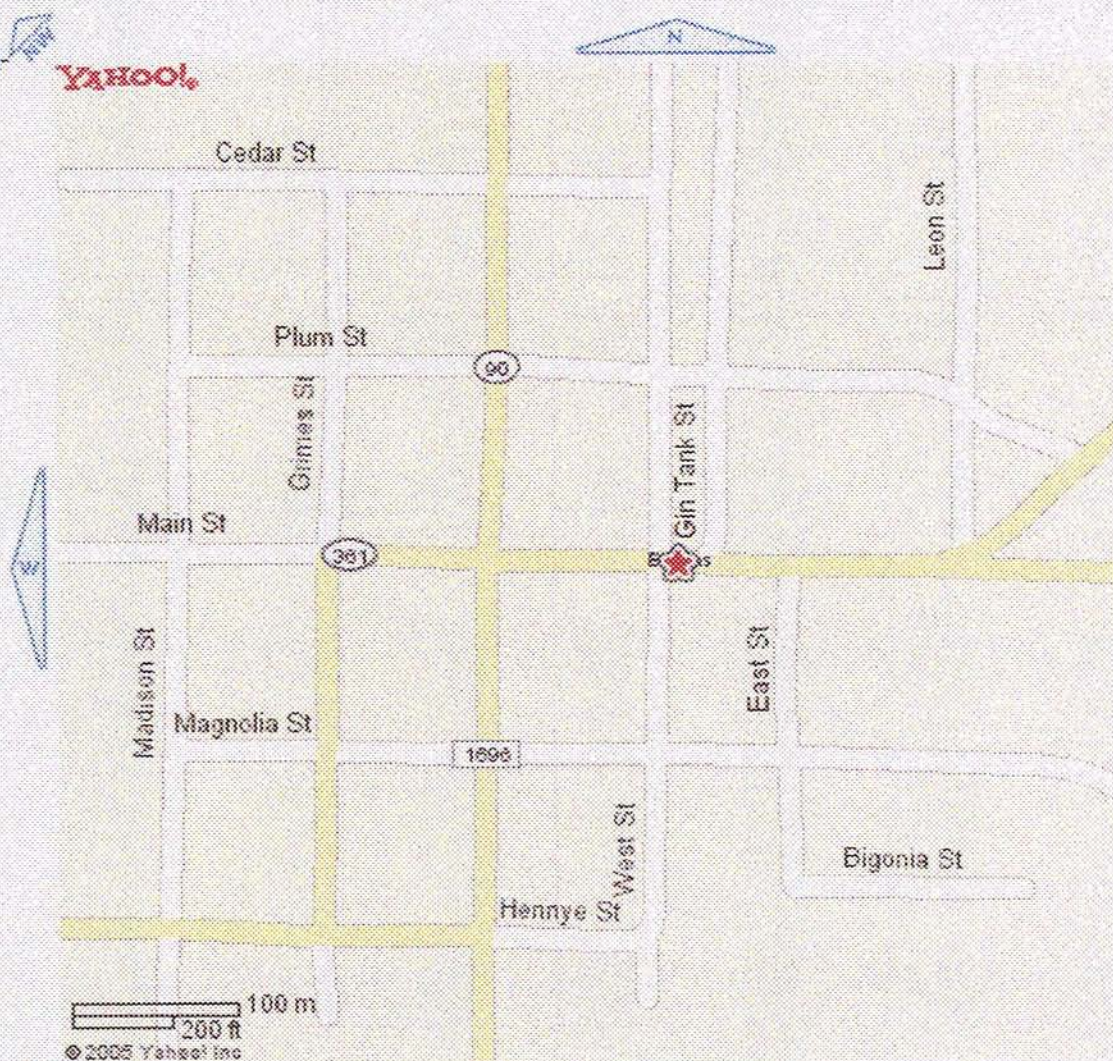
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Bedias TX

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Bedias Civic Center

(936) 395-9016

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Bedias, TX 77831

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153

178

Simonton

90

17

1.0 km
0.5 mi

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⚠ The exact address could not be found but this is on the street.

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